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RUEHKO/AMEMBASSY TOKYO PRIORITY 0114
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C O N F I D E N T I A L SECTION 01 OF 03 SUVA 000002

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SUBJECT: FIJI UPDATE 1/3/07: CJ ON LEAVE; INTERIM PLANS?

RFMF EVIDENCE OF CORRUPTION NOT YET CONCLUSIVE; BAINIMARAMA

THANKS CHINA, JAPAN, AND MALAYSIA FRIENDS

REF: 06 SUVA 591

Classified By: Amb. Dinger. Sec. 1.4 (B,D).

Summary

1. (C) Republic of Fiji Military Forces (RFMF) Commander Bainimarama today announced Fiji's Chief Justice is going on indefinite leave, pending a full inquiry into the judicial system. Bainimarama says he will return executive authority to President Iloilo within the next few weeks, with an interim government to follow quickly. The RFMF spokesman says immunity from prosecution is a key concern. Bainimarama continues to defend the RFMF's intimidation tactics toward dissenters. Some political activists are now under a travel ban. The RFMF's promised New Year's evidence of Qarase Government corruption relies on suspect sources. It is possible the accusations are true, but not enough has been revealed as yet to make the case. Bainimarama publicly expressed appreciation that China, Japan, and Malaysia have not imposed sanctions. We hear Malaysia is still contemplating how to react to the coup. At the reception following the marriage of a Bainimarama daughter last weekend, the groom's uncle was bashed to death, reportedly by a "senior naval officer." A police investigation has yet to announce findings. End summary.

Bainimarama sends Chief Justice on leave

2. (U) In a media statement on Jan. 3, Bainimarama announced that Fiji's Chief Justice and Chief Magistrate "have agreed to go on leave on full pay" until further notice. This is to "facilitate a full inquiry" into possible abuses in the judicial system. Two associate justices, John Connor and Anthony Gates, will handle file management in the meantime. Bainimarama said an Acting CJ and Acting CM may be necessary, in accordance with the Constitution.

Interim government by mid-January?

3. (U) In an interview on Fijian talk-back radio on Dec. 31, Commodore Bainimarama said he will return executive authority to President Iloilo before the end of January. Presumably the intent is for Iloilo to then appoint the Army's hand-picked interim government. RFMF spokesman Leweni said today a guarantee of immunity to everyone in the RFMF is a primary concern. Iloilo has been in his home village near Nadi for the past several days, celebrating his 86th

birthday. The military reportedly is carefully controlling who can gain access to the President. A delegation from the Great Council of Chiefs unsuccessfully sought access after the GCC's late December meeting.

Bainimarama reiterates support for intimidation

¶4. (U) In the talk-back discussion, Bainimarama reportedly again defended the Fiji military's treatment of dissidents, saying that he had given everyone fair warning that he would initiate a "clean up," and that he intended to insist that the process go forward without dissent. He said he has left the decision-making about who should be called in and how they should be treated to the Land Forces Command.

Travel ban on pro-democracy activists

¶5. (U) The RFMF issued an order to Fiji immigration authorities not to permit the six pro-democracy activists abused early on Christmas morning to depart the country. When one of the six attempted to travel to Australia, authorities did not allow her to depart.

Allegations of electoral corruption; dubious sourcing

¶6. (U) As forecast (ref), the Fiji military on New Year's day publicized video footage and a transcript alleging that PM Qarase's SDL Party stuffed ballot boxes in key constituencies in order to win last May's elections and that government ministers have taken bribes. Peter Foster, an Australian conman, reportedly had conversations with two SDL senior officials while wearing a wire, with the RFMF covertly filming. Qarase and the SDL's chief campaign manager have

SUVA 00000002 002 OF 003

denied any wrongdoing and have suggested the RFMF should provide any evidence to the Police for investigation. The two senior SDL officials deny making the incriminating statements attributed to them. The RFMF promises more revelations at "an appropriate time."

¶7. (C) Despite the RFMF spokesman's bombastic lead-up suggesting that the tapes and transcripts would provide conclusive justification for the Dec. 4 coup, the actual evidence so far appears inconclusive, at best. The alleged conversations are reported to have taken place after the coup, in the week before Christmas. SDL sources note that Foster and one of the SDL figures shown on tape are both under indictments on criminal charges dating from the days of the Qarase Government. The SDL alleges that Foster has negotiated a deal with the RFMF: he will manufacture evidence in exchange for being freed. Foster enjoyed the holidays with his mother at a rented home in Nadi's exclusive Denarau resort complex, even though a Fiji court had insisted he be in police custody in Suva. Foster today said he met with Bainimarama two weeks ago, and Bainimarama allegedly agreed that, if Foster can provide clear evidence he is innocent, the RFMF will provide that evidence to the prosecutor office with a request for charges to be dropped.

RFMF says it still has friends

¶8. (U) Bainimarama told the media during the weekend that China, Japan, Malaysia, and others are continuing relationships with the RFMF, so military-targeted sanctions imposed by Australia, New Zealand, the U.S., and the UK are not a major concern.

Wedding, murder: Bainimarama saga continues

¶9. (C) The wedding of one of Commodore Bainimarama's daughters took place on Dec. 30 at Suva's Catholic Cathedral. At the reception that evening, someone beat up an uncle of the groom, killing him. Media sources report the assailant was a "senior naval officer." Police are investigating. Observers are watching to see whether "rule of law" applies

in this criminal case.

Comment

¶10. (C) Chief Justice Fatiaki told us just before the coup of rumors he was on an RFMF list for removal. Since the coup, rumors have flourished in Suva that two associate justices, Nazhat Shameem and Anthony Gates, have been avid Bainimarama supporters and advisors. For several years, Shameem and Gates have been vocal with the diplomatic community about their dissatisfaction with Fatiaki's leadership. In particular, they have been scathing in their criticism of Fatiaki, previous CJ Tuivaga, and another justice for allegedly giving legal advice to President Mara on how to formally remove PM Chaudhry during the events of 2000. If Shameem and Gates have now provided equivalent advice to Bainimarama on how to remove PM Qarase in 2006, it is difficult to understand the logic of their turn-around concerning the judiciary's proper role.

¶11. (C) It is certainly possible that the SDL attempted to augment its votes during last May's elections, although the actual count of ballots, as observed by all political parties and by international observers, did not reveal any eye-popping irregularities in the constituency totals. If, as alleged, the SDL stuffed additional SDL ballots in boxes in key urban constituencies without removing ballots cast for other parties, one would presume the vote totals in those key constituencies would have been unusually high, maybe even more than the number registered. That did not appear to be the case, and in several of those constituencies the margins were very close. In some cases the SDL won; in some it lost. The RFMF will need to provide more detailed and credible evidence to prove its allegations.

¶12. (C) Bainimarama's mention of China, Japan, and Malaysia as continuing benefactors to the RFMF is interesting. China has not spoken out against the coup, and Bainimarama made a point of reconfirming Fiji's "one China" pro-PRC policy publicly. The governments of both Japan and Malaysia did

SUVA 00000002 003 OF 003

make public statements just after the coup, calling for a rapid return to democracy. Japan's embassy in Suva is closed this week. Malaysia's High Commissioner told us Bainimarama's comments were unfortunate. She said Malaysia has decided not to suspend defense cooperation just yet, "but that does not mean we approve of what the military has done." She reported that Malaysia will review the situation after the first quarter of 2007. If the RFMF has not taken concrete steps to return Fiji to democracy by then, Malaysia will consider defense-focused sanctions.
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